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April 13, 2023

US Environmental Protection Agency
Criminal Investigation Division
ATTN: Hugh J. McCullough, Special Agent
11201 Renner Blvd
Lenexa, KS 66219

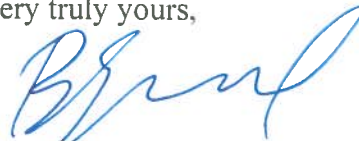
RE: Regenold & Courbat v. C-6 Iowa LLC, et al
Iowa County Case No. LACV024879

Dear Mr. McCullough,

Our office represents Kelly Regenold and Tammy Courbat in connection with a pending legal case in Iowa County District Court involving an explosion that took place at C6-Zero in Marengo, Iowa. Enclosed you will find a subpoena seeking all information or tangible things obtained, made, generated, or received by the agency/department at C6-Zero facility, 810 E South Street, Marengo, Iowa ("facility"), including but not limited to the information, data and tangible things identified on the attached Exhibit A.

Thank you for your prompt attention to this matter.

Very truly yours,



Brian D.W. Spannagel
Boffeli & Spannagel, P.C.

BDWS/cmw
Encl.

IN THE IOWA DISTRICT COURT IN AND FOR IOWA COUNTY

KELLY REGENOLD and
TAMMY COURBAT,

Plaintiffs,

vs.

C6-ZERO IOWA LLC, C6-ZERO
HOLDINGS, LLC, and HEARTLAND
CRUSH, LLC,

Defendants.

Case No. LACV024879

**SUBPOENA TO PRODUCE BOOKS,
DOCUMENTS, ELECTRONICALLY
STORED INFORMATION, OR
TANGIBLE THINGS OR TO PERMIT
INSPECTION OF PREMISES**

To: US Environmental Protection Agency – Criminal Investigation Division
Hugh J. McCullough, Special Agent
11201 Renner Blvd, Lenexa, KS 66219

X **YOU ARE COMMANDED** to produce at the time, date, and place specified below the following books, documents, electronically stored information, or tangible things, and permit their inspection, copying, testing, or sampling of the materials:

All information or tangible things obtained, made, generated, or received by the agency/department at C6-Zero facility, 810 E South Street, Marengo, Iowa ("facility"), including but not limited to the information, data and tangible things identified in Exhibit A.

Place Boffeli & Spannagel, P.C., 800 Locust Street, Dubuque, IA 52001

Date: May 1, 2023 Time: 5:00 p.m.

Form of electronically stored information to be produced: disk or thumb drive


Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing Kelly Regenold and Tammy Courbat who issue or request this subpoena:

Brian D.W. Spannagel AT0010087
800 Locust Street
Dubuque, IA 52001
Telephone: (563) 556-0078
Facsimile: (563) 582-6126
Email: brian@boffspanlaw.com

Copies to:

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Attorney for Defendants C-6 Zero Iowa, LLC, C6-Zero Holdings, LLC

Michael J. Moreland
Gayla R. Harrison
Harrison, Moreland, Webber & Simplot, PC
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PO Box 250
Ottumwa, IA 52501
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Email: gharrison@hmmw.com

Attorney for Defendant Heartland Crush, LLC

PROOF OF SERVICE

This subpoena for *(name of individual and title, if any)*
_____ was received by me on *(date)*_____.

☐ I personally served the subpoena on the individual at *(place)*
_____ on *(date)* _____; or

☐ I left the subpoena at the individual's dwelling house or usual place of abode with
(name) _____, a person residing therein who is at least
18 years old; or

☐ I served the subpoena on *(name of individual)*
_____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because
_____; or

☐ Other *(specify)*:

WITNESS FEES

☒ No witness fee requested or required under Iowa Code section 622.74.

☐ I have tendered to the witness fees for one day's attendance in the amount of
\$ _____ and the mileage allowed by law in the amount of \$
_____, for a total of \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total
of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a genuine copy of the foregoing document was served upon the persons named below and at the address indicated on the 13th day of April, 2023 by the following method:

US Mail:

Hugh J. McCullough, Special Agent
US Environmental Protection Agency
Criminal Investigation Division
11201 Renner Boulevard
Lenexa, KS 66219



Signature of server

Iowa Rules of Civil Procedure 1.1701(4) and 1.1701(5)

1.1701(4) Protecting a person subject to a subpoena.

a. Avoiding undue burden or expense; sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction, which may include lost earnings and reasonable attorney's fees, on a party or attorney who fails to comply.

b. Command to produce materials or permit inspection.

(1) Appearance not required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(2) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises, or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

1. At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

2. These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

c. Attendance. Any party shall be permitted to attend at the same time and place and for the same purposes specified in the subpoena. No prior notice of intent to attend is required.

d. Quashing or modifying a subpoena.

(1) When required. On timely motion, the issuing court must quash or modify a subpoena that:

1. fails to allow a reasonable time to comply;

2. requires a person who is neither a party nor a party's officer to travel more than 50 miles from where that person resides, is employed, or regularly transacts business in person, except that a person may be ordered to attend trial anywhere within the state in which the person is served with a subpoena;

3. requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

4. subjects a person to undue burden.

(2) When permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

1. disclosing a trade secret or other confidential research, development, or commercial information; or

2. disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

3. a person who is neither a party nor a party's officer to incur substantial expense to travel more than 50 miles to attend trial.

(3) Specifying conditions as an alternative. In the circumstances described in rule 1.1701(4)(d)(2), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

1. shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
2. ensures that the subpoenaed person will be reasonably compensated.

1.1701(5) Duties in responding to a subpoena.

a. Producing documents or electronically stored information. These procedures apply to producing documents or electronically stored information:

(1) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(2) Form for producing electronically stored information not specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(3) Electronically stored information produced in only one form. The person responding need not produce the same electronically stored information in more than one form.

(4) Inaccessible electronically stored information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of rule 1.504(1)(b). The court may specify conditions for the discovery.

b. Claiming privilege or protection.

(1) Information withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

1. expressly make the claim; and

2. describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(2) Information produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

SUBPOENA

EXHIBIT A

For purposes of this subpoena, the term “document” includes documents digitally stored or transmitted.

- 1 All information and tangible things obtained, made, generated or retained by the agency/department in connection with the investigation or inquiry into the cause of the explosion and fire at the facility;
- 2 All video or audio recordings, photographs, drawings, plans, diagrams or blueprints taken or obtained by the agency/department that depict, display or represent any scene relevant to the explosion and fire at the facility and the agency/department’s investigation into that event;
- 3 All measurements, drawings, calculations or data compilations made or obtained by the agency/department in connection with its investigation into the explosion and fire at the facility.
- 4 Any audio or video recordings of plaintiff, Kelly Regenold;
- 5 All written or recorded statements, interview notes or documents obtained, made or generated by the agency/department as a result of interviews of persons with relevant knowledge of the explosion and fire at the facility, including but not limited to Kelly Regenold;
- 6 All reports, documents or memorandum prepared in connection with the agency’s investigation into the facility explosion and fire.
- 7 All emails, text messages, correspondence or other written exchanges that are relevant to the agency/department’s investigation into the fire and explosion at the facility;
- 8 All emails, text messages, data exchange, documents, or other information in any form received by the agency from any other agency of the state of Iowa or any other state concerning or warning about the risks posed by the C6-Zero technology or processes and chemicals used.
- 9 All reports, memorandum, or other documents or tangible things prepared by or obtained from any expert retained by the agency in connection with the explosion in fire at the facility;
- 10 All artifacts, samples, or other tangible things obtained or removed from the facility following the explosion and fire and the results of any testing thereon.
- 11 All information, documents or data identifying, testing or analyzing the chemicals and oils at the facility
- 12 Any and in all Material Safety Data Sheets obtained from the facility;

- 13 Any complaints, notifications or warnings made, generated or delivered to C6-Zero at any time because of unsafe conditions at the facility;
- 14 All similar information or tangible things identified in paragraphs 1-13 above made, generated, received, obtained or retained by the agency/department in connection with or related to any other explosion or fire that occurred at the facility prior to the explosion and fire on December 8, 2022.



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Additional
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THU 13 APR 2023 PM

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Criminal Investigation Division

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